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4 *Attorneys for Defendants*

FILED
DISTRICT COURT OF GUAM

JUN 24 2002

MARY LM. MORAN
CLERK OF COURT

5

6 IN THE DISTRICT COURT OF GUAM
7 TERRITORY OF GUAM

8 KAIOH SUISAN CO., LTD.)

CIVIL CASE NUMBER CIV02-00015

9 Plaintiff,)

10 vs.)

ANSWER TO COMPLAINT

11 TOM T. KAMIYAMA, YOSHIE M.)

12 KAMIYAMA and GUAM YTK)

CORPORATION,)

13 Defendants.)

14 -----
15 Tom T. Kamiyama, Yoshie M. Kamiyama and Guam YTK Corporation answers
16 Plaintiffs Complaint and admits, denies and alleges as follows:

17 **JURISDICTION AND VENUE**

18 1. Defendants admits the allegations in paragraphs 1 to 6, inclusive.

19 **FACTUAL ALLEGATIONS**

20 2. Defendants admits the allegations in paragraphs 1, 6 and 9 of Plaintiff's first
21 cause of action.

22 3. Defendants denies the allegations in paragraphs 2, 3, 4, 5, 7, 8, 10, 11, 12,
23 13, 14, 15, 18, 19, 10, and 21.

ORIGINAL

1 4. Defendants are unaware of the truth or falsity in paragraphs 15 and 20 and,
2 therefore, deny them on that basis.

3 5. With respect to paragraph 17, Defendants incorporate their responses to
4 paragraphs 1 and 6 regarding Jurisdiction of Venue and paragraphs 1 through 16 of Plaintiffs first
5 cause of action as though fully set forth herein.

6 **FIRST AFFIRMATIVE DEFENSE**

7 The Complaint fails to state a cause of action upon which relief can be granted.

8 **SECOND AFFIRMATIVE DEFENSE**

9 Defendants performed under their agreement with the Plaintiff and incorporated
10 Guam Kai Oh Co., Ltd. ("Guam Corporation") which was granted an incorporation certificate on
11 December 20, 2000.

12 **THIRD AFFIRMATIVE DEFENSE**

13 All actions taken by Defendants on behalf of the Guam Corporation and the Plaintiff
14 authorized actions.

15 **FOURTH AFFIRMATIVE DEFENSE**

16 Plaintiff and Defendant have actively conducted business together on behalf of
17 Plaintiff's enterprise and the Guam Corporation.

18 **FIFTH AFFIRMATIVE DEFENSE**

19 Plaintiffs agent, Tadashi Narushima, authorized transactions on behalf of Plaintiff
20 and if Defendants were defrauded, he was the responsible party.

21 **WHEREFORE**, Defendant prays that the Court enter judgment as follows:

- 22 1. That Plaintiffs Complaint be dismissed in its entirety;
23 2. That Defendants be awarded their attorney's fees and costs in defense in this

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1 matter.

2 3. For such other relief as the court may deem just and proper.

3 DATED at Hagåtña, Guam, this 24th day of June, 2002.

4 **TEKER CIVILLE TORRES & TANG, PLLC**

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6 By: 

PHILLIP TORRES

Attorneys for Defendants

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